

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

LEO J. SCHWARTZ, III,

Plaintiff,

v.

CIV 07-1106 RB/GBW

JATEJKKA RAY OLGUIN, MARGARET  
ROMERO, STEVEN FARMER, BERNICE  
VALLEJOS, NAGO LUCERO, EVANGEL  
MALDONADO, AND JOE CARRILLO,

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION  
FOR EXTENSION OF TIME ON EVIDENTIARY HEARING AND ADDITIONAL  
WITNESSES

THIS MATTER is before the Court on Plaintiff's Motion for Extension of Time on Evidentiary Hearing and Additional Witnesses. *Doc. 125.*

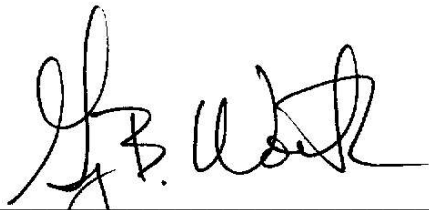
Plaintiff first requests that the Court reschedule the evidentiary hearing for no less than 45 days from the originally scheduled date of August 17, 2010. Since the filing of Plaintiff's Motion, the Court has rescheduled the hearing for October 13, 2010. *Doc. 127.* Therefore, Plaintiff's request for extension of time has been granted.

Plaintiff next requests that the Court call two additional witnesses at the hearing: (1) Alonzo Gonzales; and (2) Isaiah Bolton. Plaintiff proffers that Mr. Gonzales will testify about the delay between the posting of the bond and Plaintiff's release. Plaintiff proffers

that Mr. Bolton will testify that “narcotic medication is not allowed at Socorro County Detention Center because the Correction Officers steal the narcotic medication.”

The purpose of the evidentiary hearing is to identify, and perhaps narrow, the material disputes of fact which exist between the parties. It is not a trial at which factual disputes will be resolved. While the testimony of the individuals listed by Plaintiff may be required at a trial or future hearing, their testimony is not needed for this evidentiary hearing. Therefore, the request for the two additional witnesses at this hearing will be denied.

IT IS SO ORDERED.



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UNITED STATES MAGISTRATE JUDGE